

ATTACHMENT 3

Operative Complaint/Petition For Order of Protection

CLERK OF THE SUPERIOR COURT

FILED

5/17/2024 @ 10:38 AM

[Signature] Deputy

Superior Court of Arizona/AZ007035J/0700 18380 N. 40th St Phoenix, AZ 85032

Plaintiff Megan Sweeney	<input type="checkbox"/> Employer-Plaintiff if Workplace Injunction	Defendant Marnie A Kulbeth	Case No. FN2024-050866.
<input type="checkbox"/> On behalf of minor/person in need of protection named:		Defendant's address [REDACTED]	PETITION for: <input checked="" type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Workplace Injunction
Agent's name (if Workplace Injunction)		Defendant's birth date [REDACTED]	
		Defendant's phone [REDACTED]	

This is NOT a court order.

This petition is served on the defendant(s) and received. To get verbal feedback, please call the court clerk at (602) 974-1111.

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

1. **Defendant/Plaintiff Relationship** (Choose the options that best describe your relationship to the defendant. *If you are applying on behalf of another person, choose the relationship between the other person and the defendant)

- | | |
|---|--|
| <input type="checkbox"/> Married (past or present) | <input type="checkbox"/> Related as parent, grandparent, child, grandchild, brother, sister (or in-law/step) |
| <input checked="" type="checkbox"/> Live/lived together as intimate partners | <input type="checkbox"/> Live/lived together but not as intimate partners |
| <input type="checkbox"/> Parent of a child in common | <input type="checkbox"/> Other (describe): |
| <input type="checkbox"/> One party is pregnant by the other | |
| <input checked="" type="checkbox"/> Romantic or sexual relationship (past or present) | |

2. ☐ If checked, Defendant and I have a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time, or support in __ County Superior Court, Case # __.

3. Name of court, if any, in which any other protective order related to this conduct has been filed.
Court name _____ Case # _____

4. Tell the judge what happened and why you need this order. PRINT both the dates and a brief description of what happened. If there is a contested hearing, a judge can consider only what you write here.

NOTE: Defendant will receive a copy of this petition when the order is served.

Approx. Date	(Do not write on back or in the margin. Attach additional paper if necessary.)
6/28/2021	Physical altercation taking place at the her home, where I had been staying. Mirror, scale, air fryer, clothes, dishes, and other personal items thrown and destroyed at plaintiff. Pushed to the ground, hit, scratched, hair ripped out by defendant. Verbal and emotional abuse.
9/16/2021	From 9/2021-10/2023 Ongoing physical, emotional, defamatory, bullying abuse towards plaintiff in the home, workplace, hotels, and social settings. Destruction of personal property. Attempts to extort through threats and intimidation.
12/24/2021	Physical altercation hitting, kicking, hair pulling, scratching, shoving. Verbal abuse yelling, threatening, insulting, harassing.
8/18/2022	Physical and verbal altercation. Coerced into vehicle for conversation, grabbed and yelled at.
4/6/2023	Slandorous accusations of unfit for duty at the workplace and to friends
2/18/2023	

	Physical and verbal altercation. Walking outside defendant became angry when plaintiff attempted to walk to her apartment and not return to defendant's home. Thrown to the ground in a parking lot and choked until a passerby kicked her off of me, allowing for escape
4/18/2023	Harassing and threatening voicemail to contact plaintiff's husband, confusing him in such a way as he would not believe the plaintiff. Threats to make accusations in the workplace to call into question plaintiff's fitness for duty.
9/1/2023	Ongoing attempts for contact at work, forced conversations, and threats when plaintiff refused requested meetings or outside engagements. These continued until she was put on remote duty pending HR decision after an investigation at work.
1/6/2023	Email from defendant to plaintiff stating in order for plaintiff to retrieve personal belongings from defendant's home payment of \$2,000 was required. Subsequently, defendant destroyed, sold, and kept personal property of plaintiff, including a \$2,000 Peloton bike.
12/10/2022	Multiple occasions threatening to call Child Protective Services and make anonymous claims of abuse by Jared Sweeney, the children's father, to prompt an investigation that would create humiliation and emotional trauma.

5. The following persons should also be on this order. They should be protected because Defendant is a danger to them:

Jared Sweeney (2/8/1978)

A [REDACTED] S [REDACTED] ([REDACTED])

A [REDACTED] S [REDACTED] ([REDACTED])

6. Defendant should be ordered to stay away from these locations at all times, even when I am not present.
NOTE: Do not list confidential addresses here.

☒ Residence (confidential)

☒ Work/Business Phoenix VA Medical Center: 650 E Indian School Road, Phoenix, AZ 85012

☒ School/other Lookout Mountain Elementary: 15 W Coral Gables Dr, Phoenix, AZ 85023

7. ☐ Defendant owns or carries a firearm or other weapons.
☐ Defendant should be ordered NOT to possess firearms while this order is in effect because of the risk of harm to me or other protected persons.
8. ☐ Defendant should be ordered to stay away from any animal that is owned, possessed, leased, kept or held by me, Defendant, or a minor child living in either my household or Defendant's household.
9. Other requests: Restricted communication at work (the Phoenix VAMC);

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge, and I request an Order / Injunction granting relief as allowed by law.

/s/ Megan Sweeney

Plaintiff

Attest:

Judicial Officer/Clerk/Notary

5/17/2024.
Date

CLERK OF THE SUPERIOR COURT

FILED

TRIAL COURTS OF ARIZONA IN MARICOPA COUNTYSuperior Court of Arizona/AZ007035J/0700 18380 N. 40th St Phoenix, AZ 85032
Monday-Friday 8:00-5:00MAY 17 2024 1:45 p.m.
G. Vigil, Deputy**Electronically Recorded****Order of Protection**☐ Amended OrderCase No. **FN2024-050866**Court ORI No. **AZ007035J**County **Maricopa**State **AZ****PLAINTIFF****Megan** **Sweeney**
First Middle Last**PLAINTIFF IDENTIFIERS****[REDACTED]**
Plaintiff's Date of Birth

And on behalf of any minor family member or other Protected Person listed below:

V.**DEFENDANT****Marnie** **A** **Kulbeth**
First Middle Last

Defendant/Plaintiff Relationship: The Defendant and I are living together now, or have been in the past, as intimate partners.

Defendant's Address:

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
Female	White	[REDACTED]	5'5"	155
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
Green	Brown			
DRIVER'S LICENSE #	STATE	EXP DATE		
		1/1/1900		

☒ Estimated Date of Birth**CAUTION:** ☐ Weapon Alleged in Petition

WARNINGS TO DEFENDANT: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Because of this order, it may be unlawful for you to possess or purchase a firearm or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) or state, tribal, territorial, or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

Only the Court, in writing, can change this order.**Any order served on or after 9/24/2022 is in effect for two years from date of service.****Any order served before 9/24/2022 is in effect for one year from date of service.****THE COURT HEREBY FINDS THAT:****It has jurisdiction over the parties and subject matter.**☐ Defendant received actual notice of this Hearing and had an opportunity to participate.

THE COURT, finding reasonable cause to believe that Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period), **HEREBY ORDERS:**

NO CRIMES. Defendant shall not commit any crimes, including but not limited to harassment, stalking, or conduct involving the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury, against Plaintiff or Protected Persons.

☒ **NO CONTACT.** Defendant shall have no contact with **Plaintiff** except through attorneys, legal process, court hearings, and as checked: ☐ Phone ☐ Electronic (email, text, etc.) ☐ Mail ☐ Other:

THE COURT FURTHER ORDERS:☐ **RESIDENCE.** Plaintiff is granted exclusive use and possession of the residence currently shared with Defendant.

☐ **LAW ENFORCEMENT STANDBY.** Defendant may return once with a law enforcement officer to obtain necessary personal belongings. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

PROTECTED LOCATIONS. Defendant shall not go to or near Plaintiff's or other Protected Person's:

☒ Residence
(confidential)

☐ Workplace:

☐ School:

☐ Other:

☐ **ARIZONA FIREARMS LAW.** Under A.R.S. § 13-3602(G)(4), the court finds that Defendant poses a credible threat to the physical safety of Plaintiff or Protected Persons. Therefore, Defendant shall not possess, receive, or purchase firearms and shall surrender same within 24 hours of service to the Maricopa County Sheriff's Office or other local law enforcement agency.

☐ **ANIMALS.** Plaintiff is granted the exclusive care, custody, or control of any animal that is owned, possessed, leased, kept, or held by the plaintiff, the defendant, or a minor child residing in the residence or household of the plaintiff or the defendant. Defendant is ordered to stay away from the animal and shall not take, transfer, encumber, conceal, commit an act of cruelty or neglect in violation of section 13-2910, or otherwise dispose of the animal.

OTHER ORDERS:

The Court finds reasonable cause to believe that the Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period). Defendant shall not have contact or communication with Plaintiff, including but not limited to while at work, other than as stated herein and shall not cause others to have contact with Plaintiff.

5/17/2024

Date



Judicial Officer

Gary Popham

Printed Name

WARNING: This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

NOTICE: If you disagree with this order, you have the right to request a hearing, which will be held within 5 to 10 business days after your written request has been filed in the court that issued this order. Violations of this order should be reported to a law enforcement agency, not the court. Each party must notify this court if an action for dissolution (divorce), separation, annulment or paternity/maternity is filed. This is NOT a parenting time (visitation) or custody (legal decision-making) order. You must file those requests separately in Superior Court.

ADDITIONAL WARNINGS TO DEFENDANT: Nothing the plaintiff does can stop, change, or undo this Order without the court's written approval. You must appear in court to ask a judge to change (modify) or dismiss (quash) this Order.

NOTICE TO PLAINTIFF: If this order gives you exclusive use and possession of the residence and you move out while this order is in effect, you must notify the court within five days of moving out of the residence.

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

NCIC# AZ007035J / DPS# 0700

602.506.7353

Downtown East Court Building, 101 W. Jefferson, Phoenix, AZ 85003

Southeast Adult Facility, 222 E. Javelina Ave., Mesa, AZ 85210

Northeast Regional Court Center, 18380 N. 40th St., Phoenix, AZ 85032

Northwest Regional Court Center, 14264 W. Tierra Buena Lane, Surprise, AZ 85374

CLERK OF THE
SUPERIOR COURT
FILED
A. VOGELPOML DEP

24 MAY 31 PM 2:32

<u>Megan Sweeney</u> Plaintiff v. <u>Wanda Kurbeth</u> Defendant		Case No. <u>FN2024-050866</u>	REQUEST: <input type="checkbox"/> Hearing <input type="checkbox"/> Cancel Hearing <input type="checkbox"/> Continue Hearing <input checked="" type="checkbox"/> Modify Order <input type="checkbox"/> Dismiss Order OP/IAH/IAWH Issue Date: <u>5/17/2024</u>
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☐ **Defendant.** I am the Defendant, and I am asking the court:

- ☐ for a hearing to contest all or part of the Protective Order. See Note to Defendant →
☐ to cancel the hearing I previously asked for in this case.
☐ to continue the hearing scheduled on ____/____/____ (date).

Address _____

Phone _____

Email _____

NOTE TO DEFENDANT: Under federal law, certain conditions can cause you to be prohibited from possessing firearms while an Order of Protection is in effect. The conditions are:

(1) You and the plaintiff are either married (past or present), live together as intimate partners (past or present), or are parents of a child in common, and

(2) there is a hearing of which you received actual notice, at which you had an opportunity to participate (even if you fail to attend), and the Order of Protection is affirmed or modified at the hearing.

If you have questions about hearings and state and federal firearms prohibitions, you should contact an attorney. The court cannot give you legal advice.

☒ **Plaintiff.** I am the Plaintiff, and I am asking the court:

- ☒ to modify (change) my protective order.
☐ to dismiss my protective order.
☐ to cancel the hearing set prior to the issuance of the protective order.
☐ to continue the hearing scheduled on ____/____/____ (date).

Defendant or Plaintiff, list the reasons for your request or what you would like the court to modify:

I need it expressly stated that we are not to work at the same time at the Phoenix WMC main campus. The court explained this to me. Reached no contact

5/31/2024
 Date

Megan Sweeney
 Requesting Person's Signature

Interpreter Services. I need interpreter services for _____

Language _____

For Court Use: CERTIFICATE OF TRANSMITTAL

Copy [] mailed [] emailed [] provided personally to Plaintiff on ____/____/____ by _____

Copy [] mailed [] emailed [] provided personally to Defendant on ____/____/____ by _____

Case Number: FN2024-050804

other than through lawyers, court. Abuse and harassment took place AT WORK, During work. Previous attempts to stop abuse was made through a VA memo of No contact. It was ineffective. Abuse/harassment did not end until she was removed from the facility. She is set to return and I have been told that leadership will "do their best to keep us apart, but NO guarantee we won't be around each other." We share a locker room, she has access to my office when I am there (abuse happened in there), we share other common areas.

I can provide documentation as to the abuse at the workplace.

CLERK OF THE SUPERIOR COURT

FILED

TRIAL COURTS OF ARIZONA IN MARICOPA COUNTY

Superior Court of Arizona/AZ007035J/0700 18380 N. 40th St Phoenix, AZ 85032

Monday-Friday 8:00-5:00

MAY 31 2024 2:50 p.m.
C. Vigil Deputy

Electronically Recorded

Order of Protection

☒ Amended Order

Case No. FN2024-050866

Court ORI No. AZ007035J

County Maricopa

State AZ

PLAINTIFF

Megan Sweeney
First Middle Last

PLAINTIFF IDENTIFIERS

[REDACTED]
Plaintiff's Date of Birth

And on behalf of any minor family member or other Protected Person listed below:

V.

DEFENDANT

Marnie A Kulbeth
First Middle Last

Defendant/Plaintiff Relationship: The Defendant and I are living together now, or have been in the past, as intimate partners.

Defendant's Address:

[REDACTED]

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
Female	White	[REDACTED]	5'5"	155
EYES	HAIR	Arizona Prohibits Release of Social Security Numbers		
Green	Brown			
DRIVER'S LICENSE #		STATE	EXP DATE	
			1/1/1900	

☒ Estimated Date of BirthCAUTION: ☐ Weapon Alleged in Petition

WARNINGS TO DEFENDANT: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Because of this order, it may be unlawful for you to possess or purchase a firearm or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) or state, tribal, territorial, or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

Only the Court, in writing, can change this order.

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Any order served before 9/24/2022 is in effect for one year from date of service.

THE COURT HEREBY FINDS THAT:

It has jurisdiction over the parties and subject matter.

☐ Defendant received actual notice of this Hearing and had an opportunity to participate.

THE COURT, finding reasonable cause to believe that Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period), **HEREBY ORDERS:**

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THE COURT FURTHER ORDERS:

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☐ **LAW ENFORCEMENT STANDBY.** Defendant may return once with a law enforcement officer to obtain necessary personal belongings. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

PROTECTED LOCATIONS. Defendant shall not go to or near Plaintiff's or other Protected Person's:

☒ Residence (confidential)

☒ Workplace:

- Phoenix VA Medical Center: 650 E Indian School Road, Phoenix, AZ 85012

Defendant shall not enter the workplace if Plaintiff is present at the workplace. Defendant is permitted at the workplace at all other times.

☐ School:

☐ Other:

☐ **ARIZONA FIREARMS LAW.** Under A.R.S. § 13-3602(G)(4), the court finds that Defendant poses a credible threat to the physical safety of Plaintiff or Protected Persons. Therefore, Defendant shall not possess, receive, or purchase firearms and shall surrender same within 24 hours of service to the Maricopa County Sheriff's Office or other local law enforcement agency.

☐ **ANIMALS.** Plaintiff is granted the exclusive care, custody, or control of any animal that is owned, possessed, leased, kept, or held by the plaintiff, the defendant, or a minor child residing in the residence or household of the plaintiff or the defendant. Defendant is ordered to stay away from the animal and shall not take, transfer, encumber, conceal, commit an act of cruelty or neglect in violation of section 13-2910, or otherwise dispose of the animal.

OTHER ORDERS:

The Court finds reasonable cause to believe that the Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period). Defendant shall not have contact or communication with Plaintiff, including but not limited to while at work, other than as stated herein and shall not cause others to have contact with Plaintiff. Defendant shall not approach, attempt to engage or make eye contact with Plaintiff.

5/31/2024

Date



Judicial Officer

Gary Popham

Printed Name

WARNING: This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

NOTICE: If you disagree with this order, you have the right to request a hearing, which will be held within 5 to 10 business days after your written request has been filed in the court that issued this order. Violations of this order should be reported to a law enforcement agency, not the court. Each party must notify this court if an action for dissolution (divorce), separation, annulment or paternity/maternity is filed. This is NOT a parenting time (visitation) or custody (legal decision-making) order. You must file those requests separately in Superior Court.

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